



Missouri
Department of
Natural Resources

**Well Installation Board Meeting
Southwest Regional Office
2040 W. Woodland
Springfield, Mo.
August 23, 2013**

Open Session Minutes

The regular meeting of the Well Installation Board was held August 23, 2013, at the Southeast Regional Office, 2040 W. Woodland, Springfield, Mo. A quorum being present, Mr. Danny Flynn, Chairman, called the meeting to order at 10:03 a.m.

Board Members Present: Mr. Danny Flynn, Chairman; Mr. Fred Schoen, Vice Chairman; Mr. Jerry Prewett; Mr. Robert Lawrence; Ms. Sharlene Morgan

Board Members Present via Conference Call: Ms. Annetta St. Clair

Board Members Absent: Mr. Bob Broz.

Legal Counsel Present via Conference Call: Mr. Jacob Westen, Assistant Attorney General and Julia Katich, Department of Natural Resources (DNR) General Counsel Office

Staff Present: Ms. Carey Bridges, Mr. Kyle Rollins, Ms. Sheri Fry, Ms. Connie Edwards, Ms. Christy Miner, Ms. Hylan Beydler, Mr. Ken Tomlin

Guests Present: Beth Marsala, Lindell Lindsey and Doc McClanahan, Missouri Water Well Association (MWWA); Kaley Erwin and Carol Eighmey, Petroleum Storage Tank Insurance Fund (PSTIF); Rich Samey; Larry VanGilder, Missouri Rural Water Association; Mr. Russ Eighmey

Introduction

Mr. Danny Flynn, Board Chairman, welcomed everyone to the meeting and introduced himself. He asked Board members to introduce themselves, followed by staff and the audience.

Minutes of the May 10, 2013, Meeting

The Chairman asked if there were any corrections to the minutes from the May 10, 2013, meeting. Ms. Morgan offered a motion to accept the minutes. Mr. Schoen seconded the motion. Motion carried.

Program Updates

The Chairman recognized Ms. Bridges who updated the Board on the recent legislative session to include the proposed changes to the Sunshine Law, House Bill 28 which moved the Land Survey Program from the Division to the Department of Agriculture and transferred the authority to hear contested cases from the Well Installation Board to the Administrative Hearing Commission. Ms. Bridges also informed the Board that permit renewal and submission of pump records along with late fees are now available online, and a convenience fee has been added to credit card processing.

Section Updates

The Chairman recognized Mr. Rollins who updated the Board on personnel changes, Missouri State Parks plugging project, number of variances granted and presentations given last quarter, upcoming training of cement bond logger, SA2 sampling, and pilot hole record processing. Mr. Rollins discussed comparison of the likeness on Ha Ha Tonka Observation Well static water level vs. Lake of the Ozarks headwater level. Information was obtained from the Department's Water Resources Center's groundwater monitoring network.

Fund Update

Mr. Rollins gave the Board an update on the current status and projection of the Groundwater Protection Fund for fiscal year 2014. Mr. Lawrence made a motion to accept staff's recommendation that the fees remain at the current level for fiscal year 2014. Ms. Morgan seconded the motion. Motion carried.

Permit Appeals

The Chairman recognized Ms. Fry who stated there were no permit appeals to be brought before the Board.

Rule Updates

The Chairman recognized Ms. Sheri Fry who updated the Board on the following rulemakings:

Ms. Fry briefed the Board on a meeting held with the Joint Committee on Administrative Rules (JCAR) in regard to House Bill 1135 (2012), which requires all state agencies to review their rules on a scheduled basis. The Department's rule review is scheduled to begin in 2016. As a result of this statute change, staff will begin their review in the near future and provide updates to the Board.

Appeals Hearing rulemaking – 10 CSR 23-1.075—Language from House Bill 28, passed this legislative session, will make this current rulemaking invalid. The current rule will become effective on August 30, 2013; House Bill 28 becomes effective August 28, 2013, rendering this rulemaking invalid. Mr. Lawrence moved to direct staff to begin the rulemaking process to revise Appeals Rule 10 CSR 23-1.075 to reflect the changes brought about from the passage of House Bill 28. Mr. Schoen seconded the motion. Motion carried.

Continuing Education rulemaking – Ms. Fry informed the Board of a survey the division mailed to 791 permitted companies (one survey per permitted company) to gauge industry’s interest regarding a rulemaking for a continuing education program. Staff received 236 responses (32%) to the survey. The survey consisted of the following questions with number of responses received:

Question 1: How important do you think it is to have a requirement for continuing education for the well drilling industry?

Very Important 49 (20%)

Somewhat Important 66 (30%)

Not Important 119 (50%)

No Answer 2

Question 2: Do you support the department beginning rulemaking on a CEU requirement for permit renewal?

Yes 71 (30%)

No 161 (69%)

No Answer 4 (1%)

After discussion was made on the survey and results, Mr. Prewett moved to accept staff’s recommendation to not proceed with the rulemaking at this time, as further discussion and planning by the division is required. Ms. Morgan seconded the motion. Motion carried.

Public Well Permit rulemaking – Approval has been received by legal counsel to begin rulemaking to require a public well permit for well and pump installation. Staff plan to move this rule to the back burner and to begin work on the rule review required of House Bill 1135.

Heat Pump rulemaking – Ms. Fry updated the Board on the comments received during the public hearing and through the public comment period. After the analysis was given on heat pump system installations, comments and responses reviewed and discussion was made, Mr. Schoen moved staff proceed with the order of rulemaking. Ms. St. Clair seconded the motion. A roll call vote was taken as follows: Mr. Prewett, yes; Mr. Lawrence, yes; Ms. St. Clair, yes; Mr. Schoen, yes; Ms. Morgan, yes. Motion carried.

Public Drinking Water Branch Grant Program

The Chairman recognized Mr. Ken Tomlin who gave a presentation on funding opportunities for Source Water Protection, which includes an abandoned well plugging grant program for wells within a public water supply area.

Missouri Water Well Association Comments

There were no comments.

Other Business

None.

Public Comment and Correspondence

None.

Future Meetings

The Board approved holding an open session meeting in conjunction with the Missouri Water Well Association's annual convention at 10 a.m. on Monday, February 24, 2014, at the Country Club Hotel and Spa in Lake Ozark, Mo. The motion was made by Mr. Schoen and seconded by Ms. St. Clair. Motion carried.

Roll Call Vote for Next Closed Session

Mr. Schoen moved that the Well Installation Board meet in closed session at 9:30 a.m. at the next regular board meeting for the purpose of discussing matters protected from disclosure by law as provided for in Section 610.021, RSMo., including but not limited to: legal actions, pending litigation, and attorney-client privileged matters with the board attorney. Ms. Morgan seconded the motion. A roll call vote was taken as follows: Mr. Prewett, yes; Mr. Lawrence, yes; Ms. St. Clair, yes; Mr. Schoen, yes; Ms. Morgan, yes. Motion carried.

Adjournment of Meeting

Mr. Lawrence moved to adjourn the meeting. Ms. St. Clair seconded the motion. Motion carried. Meeting adjourned at 12:28 p.m.